

BSS/3582.NoOpp.ManMin.Response.wpd

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

ANTONIO HOWELL

Criminal No. BEL-98-0259

...ooOoo...

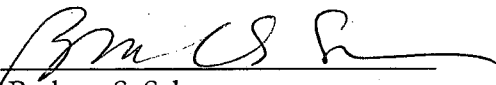
GOVERNMENT'S RESPONSE TO MOTION FOR REDUCTION
OF SENTENCE UNDER 18 U.S.C. § 3582(c)

The United States of America, by its undersigned counsel, having reviewed the Presentence Report, the Judgment & Commitment Order, the revised guidelines computation and a Bureau of Prisons SENTRY report for the defendant named above, **OPPOSES** retroactive application of the revised "crack" guideline pursuant to 18 U.S.C. § 3582(c), for the reason that Mr. Howell's sentence was not based upon the "crack" guideline, but upon the murder cross-reference, § 2A1.1 and § 2D1.1(d)(1). See, Presentence Report at 4. The wisdom of this assessment is confirmed by Mr. Howell's institutional disciplinary record, a copy of which is attached, which reports violent behavior and recommends a disciplinary transfer.

Respectfully submitted,

Rod J. Rosenstein
United States Attorney


By:


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U.S. DISTRICT COURT
DISTRICT OF MARYLAND

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I HEREBY CERTIFY that this 14th day of July 2008, a copy of the Foregoing Government's Response to Motion for Reduction Of Sentence under 18 U.S.C. § 3582(c) was hand delivered via interoffice mail to:

Howard Cardin, Esq.
Cardin & Gitomer
211 St. Paul Place
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and

Estelle Santana
Deputy Chief United States Probation Officer
United States Probation and Pretrial Services
250 W. Pratt Street
Suite 400
Baltimore, MD 21201


Debra C. Lesser
Paralegal Specialist

REGISTER NO: 33283-037 NAME...: HOWELL, ANTONIO
FUNCTION...: DIS FORMAT: CHRONO LIMIT TO ____ MOS PRIOR TO 07-14-2008
RSP OF: ENG-ENGLEWOOD FCI

REPORT NUMBER/STATUS.: 1248721 - SANCTIONED INCIDENT DATE/TIME: 08-06-2004 2300
DHO HEARING DATE/TIME: 10-05-2004 1320
FACL/CHAIRPERSON.....: COP/J CAREY
APPEAL CASE NUMBER(S): 359765
REPORT REMARKS.....: PLRA INMATE - ADMITS TO CHARGE - FEARS FOR HIS LIFE -
REGRETS ACT - DHO FOUND INMATE GUILTY OF CHARGE
224 ASSAULTING W/O SERIOUS INJURY - FREQ: 1 ATI: IN2 RFP: D
DIS GCT / 27 DAYS / CS
COMP:010 LAW:P
DS / 30 DAYS / CS
COMP: LAW:

G0002 MORE PAGES TO FOLLOW

REGISTER NO: 33283-037 NAME...: HOWELL, ANTONIO
FUNCTION...: DIS FORMAT: CHRONO LIMIT TO ____ MOS PRIOR TO 07-14-2008
RSP OF: ENG-ENGLEWOOD FCI

DHO HEARING DATE/TIME: 10-05-2004 1320 REPORT 1248721 CONTINUED
LP COMM / 30 DAYS / CS
COMP: LAW: PRIVILEGES WILL BE RESTORED 11-05-2004; TO RUN
CONSECUTIVE WITH ANY PREVIOUS SANCTIONS

REPORT NUMBER/STATUS.: 1248722 - SANCTIONED INCIDENT DATE/TIME: 08-07-2004 0027
DHO HEARING DATE/TIME: 09-28-2004 0950
FACL/CHAIRPERSON.....: COP/J CAREY
APPEAL CASE NUMBER(S): 359764
REPORT REMARKS.....: PLRA INMATE - DENIES THE CHARGE- DHO FOUND INMATE GUILTY
OF ATTEMPTED ASSAULT ON STAFF CODE 101A
101A ASSAULTING WITH SERIOUS INJURY - FREQ: 1 ATI: SC1 RFP: D
DIS GCT / 40 DAYS / CS
COMP:010 LAW:P

G0002 MORE PAGES TO FOLLOW . . .

REGISTER NO: 33283-037 NAME...: HOWELL, ANTONIO
FUNCTION....: DIS FORMAT: CHRONO LIMIT TO ___ MOS PRIOR TO 07-14-2008
RSP OF: ENG-ENGLEWOOD FCI

DHO HEARING DATE/TIME: 09-28-2004 0950 REPORT 1248722 CONTINUED
DS / 60 DAYS / CS
COMP: LAW:
LP VISIT / 180 DAYS / CS
COMP: LAW: PRIVILEGES WILL BE RESTORED 03-27-2005

REPORT NUMBER/STATUS.: 1110819 - SANCTIONED INCIDENT DATE/TIME: 06-04-2003 1815
DHO HEARING DATE/TIME: 03-26-2004 1415
FACL/CHAIRPERSON.....: MIA/POSADA
APPEAL CASE NUMBER(S): 334625
REPORT REMARKS.....: DENIES THE OFFENSE
113A POSSESSING DRUGS/DRUG ITEMS - FREQ: 1
DIS GCT / 40 DAYS / CS
COMP:010 LAW:P

G0002 MORE PAGES TO FOLLOW . . .

REGISTER NO: 33283-037 NAME...: HOWELL, ANTONIO
FUNCTION...: DIS FORMAT: CHRONO LIMIT TO ____ MOS PRIOR TO 07-14-2008
RSP OF: ENG-ENGLEWOOD FCI

DHO HEARING DATE/TIME: 03-26-2004 1415 REPORT 1110819 CONTINUED

DS / 60 DAYS / CS

COMP: LAW: SERVED

LP COMM / 6 MONTHS / CS

COMP: LAW:

LP PHONE / 6 MONTHS / CS

COMP: LAW:

LP VISIT / 6 MONTHS / CS

COMP: LAW:

TRANSFER / CS

COMP: LAW: RECOMMEND TRANSFER/

224 ASSAULTING W/O SERIOUS INJURY - FREQ: 1 ATI: SN1 RFP: D

DS / 30 DAYS / CS

COMP: LAW: SERVED

G0002 MORE PAGES TO FOLLOW . . .

REGISTER NO: 33283-037 NAME...: HOWELL, ANTONIO
FUNCTION...: DIS FORMAT: CHRONO LIMIT TO ____ MOS PRIOR TO 07-14-2008
RSP OF: ENG-ENGLEWOOD FCI

DHO HEARING DATE/TIME: 03-26-2004 1415 REPORT 1110819 CONTINUED
LP COMM / 6 MONTHS / CS
COMP: LAW:
LP VISIT / 6 MONTHS / CS
COMP: LAW:

REPORT NUMBER/STATUS.: 1008704 - SANCTIONED INCIDENT DATE/TIME: 07-11-2002 0200
UDC HEARING DATE/TIME: 07-12-2002 1326
FACL/UDC/CHAIRPERSON.: JES/C/VICE
REPORT REMARKS.....: ATTEMPTED TO SEND MONEY TO ANOTHER INMATE
328A GIVING/ACCEPTNG MONEY W/O AUTH - FREQ: 1
LP PHONE / 30 DAYS / CS
COMP: LAW: LOSS OF PHONE 7-12-02 THRU 8-14-02

G0002 MORE PAGES TO FOLLOW . . .

REGISTER NO: 33283-037 NAME...: HOWELL, ANTONIO
FUNCTION...: DIS FORMAT: CHRONO LIMIT TO ____ MOS PRIOR TO 07-14-2008
RSP OF: ENG-ENGLEWOOD FCI

UDC HEARING DATE/TIME: 07-12-2002 1326 REPORT 1008704 CONTINUED
406 USING PHONE OR MAIL W/O AUTH - FREQ: 1
LP VISIT / 30 DAYS / CS
COMP: LAW: LOSS OF VISITING 7-12-02 THRU 8-14-02

REPORT NUMBER/STATUS.: 808911 - SANCTIONED INCIDENT DATE/TIME: 08-21-2000 1712
DHO HEARING DATE/TIME: 09-06-2000 1020
FACL/CHAIRPERSON.....: ALP/CERNEY
REPORT REMARKS.....: ADMITTED USING ANOTHER INMATE'S PAC
328 GIVING/ACCEPTNG MONEY W/O AUTH - FREQ: 1
DIS GCT / 12 DAYS / CS
COMP:010 LAW:P
LP PHONE / 90 DAYS / CS
COMP: LAW: THROUGH 12-05-2000

G0002 MORE PAGES TO FOLLOW . . .

REGISTER NO: 33283-037 NAME...: HOWELL, ANTONIO
FUNCTION...: DIS FORMAT: CHRONO LIMIT TO ____ MOS PRIOR TO 07-14-2008
RSP OF: ENG-ENGLEWOOD FCI

REPORT NUMBER/STATUS.: 800798 - SANCTIONED INCIDENT DATE/TIME: 07-23-2000 0840
DHO HEARING DATE/TIME: 08-08-2000 1040
FACL/CHAIRPERSON.....: ALP/CERNEY
REPORT REMARKS.....: DENIED, MOST LIKE 406
499 DISRUPTIVE CONDUCT-LOW MOD - FREQ: 1
LP PHONE / 30 DAYS / CS
COMP: LAW: THROUGH 09-07-2000

G0005 TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED